

February 19, 2010

TO: Members of the MAG Regional Council

FROM: Councilwoman Peggy Neely, Phoenix, Chair

SUBJECT: **REVISED MEETING NOTIFICATION AND TRANSMITTAL OF TENTATIVE AGENDA**

Meeting - 5:00 p.m.
Wednesday, February 24, 2010
MAG Office, Suite 200 - Saguaro Room
302 North 1st Avenue, Phoenix

The February 24, 2010, agenda of the MAG Regional Council has been updated to reflect changes to agenda items #5D and #8.

For agenda item #5D, Project Changes - Amendments and Administrative Modifications to the FY 2008-2012 MAG Transportation Improvement Program and FY 2010 Arterial Life Cycle Program:
The attachment covering the "Request for Project Change - 2008-2012 MAG Transportation Improvement Program" has been updated to provide additional information in the "Requested Change" column.

For agenda item #8, Status of the Transit Planning Agreement and Discussion of Potential Legislation:
At a special meeting held on February 19, 2010, the MAG Regional Council Executive Committee approved the Transit Planning Agreement (MOU) and the draft legislation for SB 1416 with minor modifications.

The next MAG Regional Council meeting will be held at the MAG offices at the time and place noted above. Members of the Regional Council may attend either in person, by videoconference or by telephone conference call. Members who wish to remove any items from the Consent Agenda are requested to contact the MAG office. MAG will host a dinner/reception for the Regional Council members following the meeting in the MAG Cholla Room on the 2nd floor. Supporting information is enclosed for your review.

Please park in the garage underneath the building. Parking places will be reserved for Regional Council members on the first and second levels of the garage. Bring your ticket to the meeting, parking will be validated. For those using transit, the Regional Public Transportation Authority will provide transit tickets for your trip. For those using bicycles, please lock your bicycle in the bike rack in the garage.

Pursuant to Title II of the Americans with Disabilities Act (ADA), MAG does not discriminate on the basis of disability in admissions to or participation in its public meetings. Persons with a disability may request a reasonable accommodation, such as a sign language interpreter, by contacting the MAG office. Requests should be made as early as possible to allow time to arrange the accommodation.

If you have any questions, please call the MAG office.

c: MAG Management Committee

**MAG REGIONAL COUNCIL
REVISED AGENDA
February 24, 2010**

COMMITTEE ACTION REQUESTED

1. <u>Call to Order</u>	
2. <u>Pledge of Allegiance</u>	
3. <u>Call to the Audience</u> An opportunity will be provided to members of the public to address the Regional Council on items not scheduled on the agenda that fall under the jurisdiction of MAG, or on items on the agenda for discussion but not for action. Citizens will be requested not to exceed a three minute time period for their comments. A total of 15 minutes will be provided for the Call to the Audience agenda item, unless the Regional Council requests an exception to this limit. Please note that those wishing to comment on agenda items posted for action will be provided the opportunity at the time the item is heard.	3. Information.
4. <u>Executive Director's Report</u> The MAG Executive Director will provide a report to the Regional Council on activities of general interest.	4. Information and discussion.
5. <u>Approval of Consent Agenda</u> Council members may request that an item be removed from the consent agenda. Prior to action on the consent agenda, members of the audience will be provided an opportunity to comment on consent items. Consent items are marked with an asterisk (*).	5. Approval of the Consent Agenda.

ITEMS PROPOSED FOR CONSENT*

MINUTES

*5A. <u>Approval of the January 27, 2010, Meeting Minutes</u>	5A. Review and approval of the January 27, 2010, meeting minutes.
---	---

TRANSPORTATION ITEMS***5B. Regional Community Network Roles and Responsibilities**

The Regional Community Network (RCN) project is a fiber optic communications network that, when completed, would connect all MAG member agencies for the primary purpose of coordinating traffic control operations between neighboring agencies. The first phase of the project is currently being implemented by the Arizona Department of Transportation through an Intelligent Transportation Systems (ITS) project. The RCN Working Group, consisting of members of the MAG ITS Committee and the MAG Technology Advisory Group (TAG), has developed a Roles and Responsibilities document to facilitate the operation of the network. The MAG ITS Committee, the MAG TAG, the MAG Transportation Review Committee, and the MAG Management Committee recommended approval of the Roles and Responsibilities document. Also included is an update on the implementation of the current phase. Please refer to the enclosed material.

***5C. Recommendation to the Arizona Department of Transportation's Safe Routes to School Program**

The Arizona Department of Transportation's (ADOT) Safe Routes to School (SRTS) Program provides annual grants for road safety improvement projects that are related to access to schools. The program provides grants to public and nonprofit agencies for projects that improve road safety and encourage more K-8 children to walk or bike to their neighborhood schools. This is the fourth cycle of the program, and grants will be provided to projects that implement infrastructure improvements as well as projects that would involve education, training and encouragement. In response to the ADOT request for proposals announced in October 2009, a total of 10 project applications from the MAG region was received by ADOT. The ADOT proposal review process stipulates that MPOs and COGs must recommend a ranked list

5B. Approval of the Regional Community Network Roles and Responsibilities document.

5C. Approval of the ranked list of projects to be submitted to the Arizona Department of Transportation for the Safe Routes to School Program.

of projects to ADOT by February 26, 2010. These recommendations will be considered by a statewide SRTS panel that will make a final recommendation to ADOT. The MAG Transportation Safety Committee reviewed all project proposals, and on January 26, 2010, recommended a ranked list of projects from the region as the MAG recommendation to ADOT. The MAG Management Committee recommended approval of the list of projects. Please refer to the enclosed material.

***5D. Project Changes – Amendments and Administrative Modifications to the FY 2008-2012 MAG Transportation Improvement Program and FY 2010 Arterial Life Cycle Program**

The Fiscal Year (FY) 2008-2012 Transportation Improvement Program (TIP) and Regional Transportation Plan Update were approved by the MAG Regional Council on July 25, 2007. Since that time, there have been requests from ADOT, Peoria, City of Phoenix, and the Regional Public Transportation Authority to add new highway and transit projects and modify project costs in the programs. The new projects being added to the TIP are fiscally constrained and funding is available. The MAG Transportation Review Committee and the MAG Management Committee recommended approval of the project changes. Since mailing the Regional Council agenda, the attachment covering the "Request for Project Change - 2008-2012 MAG Transportation Improvement Program" has been updated to provide additional information in the "Requested Change" column. Please refer to the enclosed material.

***5E. Programming of Projects for MAG Federal Congestion Mitigation and Air Quality Funding in the Draft 2011-2015 MAG Transportation Improvement Program**

The MAG Regional Transportation Plan (RTP) allocates MAG Federal Congestion Mitigation and Air Quality (CMAQ) funds to specific modes, and, in some cases, identifies specific projects for the funds. For Intelligent Transportation Systems

5D. Approval of amendments and administrative modifications to the FY 2008-2012 Transportation Improvement Program, the FY 2010 Arterial Life Cycle Program, and as appropriate, to the Regional Transportation Plan 2007 Update.

5E. Approval of a list of Congestion Mitigation and Air Quality funded projects to be added to the Draft FY 2011-2015 MAG Transportation Improvement Program.

(ITS), Bicycle, Pedestrian and Air Quality projects, the RTP identified CMAQ allocations, but did not specify individual projects. The CMAQ funding available for PM-10 Pave Unpaved Road projects in FY 2013 is \$4.904 million; \$6.887 million is available for ITS projects in FY 2014; \$8.737 million is available for Bicycle and Pedestrian projects in FY 2014; and \$7.503 million is available for Air Quality/Travel Demand Management Programs. Applications were made available in August 2009 with a due date of September 18, 2009. The related technical advisory committees (TAC) went through a two-tiered committee review process starting in October that resulted in project rankings by the ITS and Bicycle/Pedestrian Committees in November and the Air Quality TAC in December. The Transportation Review Committee (TRC) met in December 2009 and recommended modifications to federal funds for ITS, bicycle/pedestrian, and pave unpaved road projects. MAG staff coordinated the modified project funding amounts and information with the corresponding agency for agreement and modification of project, scope, and costs. This process follows the Draft MAG Federal Fund Programming Principles. The TRC and the MAG Management Committee recommended approval of the projects. Please refer to the enclosed material.

*5F. American Recovery and Reinvestment Act (ARRA) Monthly Status Report

A Status Report on the American Recovery and Reinvestment Act (ARRA) funds dedicated to transportation projects in the MAG region details the status of project development as of February 16, 2010. The report covers highway, local, transit, and enhancement projects programmed with ARRA funds and the status of project development milestones per project. Please refer to the enclosed material.

*5G. Appointment of Councilmember Les Presmyk, Town of Gilbert, to Serve as One of the Seven Largest Cities/Towns Elected Officials on the Transportation Policy Committee

5F. Information and discussion.

5G. Appointment of Councilmember Les Presmyk, Town of Gilbert, as the one of the seven largest cities/towns elected officials on the Transportation Policy Committee.

The composition of the Transportation Policy Committee (TPC), established by the Regional Council on April 24, 2002, includes elected officials from the seven largest cities/towns. In June 2008 the Regional Council appointed the list of TPC members. Mayor John Lewis, the elected official representing the Town of Gilbert on the TPC, notified MAG that the Town is requesting that Councilmember Les Presmyk represent Gilbert on the TPC. The appointment of Councilmember Les Presmyk to the TPC by the Regional Council as one of the seven largest cities/towns elected officials is requested. Please refer to the enclosed material.

AIR QUALITY ITEMS

*5H. New Finding of Conformity for the FY 2008-2012 MAG Transportation Improvement Program and Regional Transportation Plan 2007 Update, As Amended

On July 25, 2007, the MAG Regional Council approved a Finding of Conformity for the FY 2008-2012 MAG Transportation Improvement Program (TIP) and MAG Regional Transportation Plan 2007 Update. Since that time, an amendment has been proposed that includes a design-build project to complete High Occupancy Vehicle (HOV) lanes on the Santan Freeway Loop 202 from Interstate-10 to approximately Gilbert Road, including the ramp connections at Interstate-10 and Loop 101, and a design-build project to complete the HOV lanes and other improvements on Loop 101 from Tatum Boulevard to the junction with Interstate-10. MAG has conducted a regional emissions analysis for the proposed amendment and the results of the regional emissions analysis, when considered together with the TIP and RTP as a whole, indicate that the transportation projects will not contribute to violations of federal air quality standards. On January 25, 2010, a 30-day public review period began on the conformity assessment and amendment. Comments are requested by February 24, 2010. The MAG Management Committee recommended approval. Please refer to the enclosed material.

5H. Approval of the new Finding of Conformity for the FY 2008-2012 MAG Transportation Improvement Program and Regional Transportation Plan 2007 Update, as amended.

*5I. Conformity Consultation

The Maricopa Association of Governments is conducting consultation on a conformity assessment for an amendment and administrative modification to the FY 2008-2012 MAG Transportation Improvement Program (TIP). The proposed amendment and administrative modification involve projects for Peoria and the Arizona Department of Transportation for FY 2010. In addition, the amendment and administrative modification involves Regional Public Transportation Authority and City of Phoenix projects funded through the Job Access and Reverse Commute and New Freedom programs. The amendment includes projects that are exempt from a conformity determination and the administrative modification includes minor project revisions that do not require a conformity determination. Comments on the conformity assessment are requested by February 24, 2010. Please refer to the enclosed material.

5I. Consultation.

GENERAL ITEMS

*5J. Discussion of the Development of the Draft Fiscal Year 2011 MAG Unified Planning Work Program and Annual Budget

Each year, the MAG Unified Planning Work Program and Annual Budget is developed in conjunction with member agency and public input. The Work Program is reviewed each year by the federal agencies in April and approved by the Regional Council in May. To provide an early start in developing the Work Program and Budget, this presentation is an overview of MAG's draft proposed new projects for the FY 2011 Work Program. The updated draft budget timeline, the invitation for the Budget Webinar presentation on February 25, 2010, at 1:30 P.M. in the MAG Palo Verde Room, and estimated dues and assessments are included with the budget documents. Please refer to the enclosed material.

5J. Information and input on the development of the draft fiscal year (FY) 2011 MAG Unified Planning Work Program and Annual Budget.

*5K. MAG FY 2011 Regional Human Services Plan

The FY 2011 Regional Human Services Plan recommends funding allocations for the Social Services Block Grant (SSBG). The plan also presents the strategies used by public and private agencies to address the impact of the recession on human services delivery. On January 14, 2010, the MAG Human Services Technical Committee voted unanimously to recommend approval of the FY 2011 Regional Human Services Plan, including the SSBG allocations. The MAG Human Services Coordinating Committee and the MAG Management Committee recommended approval of the FY 2011 MAG Regional Human Services Plan and the SSBG allocation recommendations. Please refer to the enclosed material.

*5L. Status Update on the June 30, 2009 Single Audit and Management Letter Comments, MAG's Comprehensive Annual Financial Report (CAFR) and OMB Circular A-133 Reports (i.e., "Single Audit") for the Fiscal Year Ended June 30, 2009

The public accounting firm of LarsonAllen, LLP, has completed the audit of MAG's Comprehensive Annual Financial Report (CAFR) and Single Audit for the fiscal year ended June 30, 2009. An unqualified audit opinion was issued on January 29, 2010, on the financial statements of governmental activities, the discretely presented component units, each major fund and the aggregate remaining fund information. The independent auditors' report on compliance with the requirements applicable to major federal award programs, expressed an unqualified opinion on the Single Audit. The Single Audit report indicated there was a significant deficiency in MAG's internal control over financial reporting considered to be a material weakness that was corrected prior to the issuance of the statements. There were no instances of noncompliance considered to be material and no questioned costs. The Single Audit report had no repeat findings. No new or repeat Management Letter comments were issued for the fiscal year ended June 30, 2009. The MAG Management

5K. Approval of the MAG FY 2011 Regional Human Services Plan, including the Social Services Block Grant allocation recommendations.

5L. Acceptance of the audit opinion issued on the MAG Comprehensive Annual Financial Report and Single Audit Report for the year ended June 30, 2009.

Committee and the MAG Executive Committee recommended acceptance., agenda.Please refer to the enclosed material.

ITEMS PROPOSED TO BE HEARD

TRANSPORTATION ITEMS

6. Proposed Federal Economic Stimulus Legislation

On January 27, 2010, the MAG Regional Council approved a proposed amendment to the MAG FY 2008-2012 Transportation Improvement Program and Regional Transportation Plan 2007 Update to include a design-build project on the Santan Freeway from I-10 to approximately Gilbert Road, including the ramp connections at I-10 and LI01 (\$146 million), and a design-build project for LI01 to complete the HOV lanes and other improvements from Tatum Boulevard to the junction with I-10 (\$139.5 million) and that the FY 2008-2012 MAG Transportation Improvement Program and Regional Transportation Plan 2007 Update be amended subject to the necessary air quality conformity analysis and funding being provided from the Jobs for Main Street bill. A status report will be provided on the Jobs for Main Street Bill or other similar bills being considered by Congress.

7. Financial Planning and Fiscal Constraint Requirements for Federal Transportation Funding and Status of Federal Funds Rescission at the Arizona Department of Transportation

Federal transportation planning regulations require that the MAG Transportation Improvement Program (TIP) and the Regional Transportation Plan demonstrate that adequate funding is available to build, operate and maintain transportation projects. The Federal Transit Administration is now requesting MAG to concur with grant requests that involve new or expanded service or new capital fixed assets and to state that sufficient financial resources are available at the regional or local level operate and maintain the assets for which the grant is being submitted. For the purchase of new buses to implement

6. Information and discussion.

7. Information and discussion.

new or expanded service, this means that MAG has to state that the transit operator has adequate funds to operate the new or expanded service. MAG staff need to collect and analyze the necessary financial information to make such determinations in the future.

On another financial issue, for several months, MAG staff have attempted to receive financial information from the Arizona Department of Transportation (ADOT) to determine the status of remaining federal fund balances. Federal fiscal year 2008 was closed out and we received the 2008 final balances in May 2009. MAG has not received any information on federal fund transactions from October 2008 to today. Receiving information on fund balances has been hampered by previous lack of financial staff resources at ADOT and the more recent complexity of the short time frame to spend stimulus funds and the rescission of federal highway funds. On February 1, 2010, MAG received a letter from ADOT indicating that Arizona lost nearly \$171 million of federal apportionments and that the federal fiscal year 2009 closeout process zeroed out (or nearly zeroed out) virtually every category of federal funds, including Surface Transportation Program (STP) funds. All unused sub allocations were also rescinded, which means any balances local agencies have built up over the years are gone. These rescissions will also carry forward to FY 2010, meaning a reduction in federal funds. It is our understanding that some of the MAG Grant Anticipation Notes (GANS) were prepaid with STP to avoid losing the federal funds. This may mean that some of the MAG STP funds previously programmed to pay the GANS are still available. Also, Arizona does receive a minimum guarantee of federal funds and this may still be available. A meeting was held with representatives from ADOT and we have been informed that financial records will be provided to MAG by the end of February. The financial information (ledgers) from ADOT is necessary for MAG to confirm the \$30 million-\$50 million that was carried forward from FY 2009 to FY 2010. Please refer to the enclosed material.

8. Status of the Transit Planning Agreement and Discussion of Potential Legislation

At the February 16, 2010, Executive Committee meeting a transit planning agreement (MOU) that incorporated recommendations for transit planning roles and responsibilities was discussed. The Executive Committee directed that the local role when conducting a Federal Transit Administration Alternatives Analysis be described in the MOU. It was noted at the meeting that the Regional Public Transportation Authority and Valley Metro Rail would be discussing the MOU in February, with action by the Regional Council expected in March.

Also discussed was SB 1416 that attempts to align MAG's federal transit planning roles and responsibilities with state statutes. The Executive Committee directed that the affected parties hold a meeting to address the concerns expressed with SB 1416. Consensus was reached at the meeting and a telephone conference call of the Executive Committee was scheduled for January 19, 2010, to review the proposed changes to the bill. The MAG Regional Council Executive Committee approved with minor modifications, the Transit Planning Agreement (MOU) and the draft legislation for SB 1416. Representatives from the Regional Public Transportation Authority and METRO were in attendance and concurred with the modifications. The METRO Board will consider the MOU and the draft SB 1416 on March 3, 2010. The MOU will be presented to the Regional Council for approval in March. Please refer to the enclosed material.

8. Approval of draft SB 1416 as rewritten and modified, and discussion of the MOU, which will be presented for approval in March following consideration by the METRO Board at its March 3, 2010, meeting.

AIR QUALITY ITEMS

9. 2008 Implementation Status of Committed Measures in the MAG 2007 Five Percent Plan for PM-10

The MAG 2007 Five Percent Plan for PM-10 for the Maricopa County Nonattainment Area was submitted to the Environmental Protection Agency by December 31, 2007, as required by the Clean Air Act. Commitments to implement

9. Approval to forward the 2008 Implementation Status of Committed Measures in the MAG 2007 Five Percent Plan for PM-10 in the Maricopa County Nonattainment Area to the Governor's Office, Legislature, Arizona Department of Environmental Quality, and the Environmental Protection Agency.

measures in the Plan were received from the State, Maricopa County, and the twenty-three local governments in the PM-10 nonattainment area. The Plan includes fifty-three committed measures that began implementation in 2008. On May 23, 2007, the MAG Regional Council approved additional items for the Suggested List of Measures to Reduce PM-10 Particulate Matter. One of these items was that each year, MAG would issue a report on the status of the implementation of the committed measures for this region by the cities, towns, Maricopa County, and the State. The report would be made available to the Governor's Office, Legislature, Arizona Department of Environmental Quality, and the Environmental Protection Agency. A report has been prepared that provides the implementation status of the committed measures for calendar year 2008. The MAG Air Quality Technical Advisory Committee and the MAG Management Committee recommended forwarding the 2008 Implementation Status of Committed Measures in the MAG 2007 Five Percent Plan for PM-10 in the Maricopa County Nonattainment Area to the Governor's Office, Legislature, Arizona Department of Environmental Quality, and the Environmental Protection Agency. Please refer to the enclosed material.

GENERAL ITEMS

10. Brookings Intermountain Partnership Report

In May 2009, the Regional Council approved amending the FY 2009 MAG Unified Planning Work Program and Annual Budget to include \$14,902 of MAG federal funds to participate in the Brookings Metropolitan Policy Program Intermountain Partnership. One of the primary purposes of the partnerships is to focus on the reauthorization of the federal transportation program, to produce research and memoranda, and to help brief local and national leaders. Mr. Mark Muro, Fellow and Policy Director for the Brookings Metropolitan Policy Program, will provide a report to the Regional Council on the

10. Information and discussion.

activities of the Brookings Institution on behalf of the Intermountain Partnership.

11. Legislative Update

An update will be provided on legislative issues of interest.

11. Information and discussion.

12. Request for Future Agenda Items

Topics or issues of interest that the Regional Council would like to have considered for discussion at a future meeting will be requested.

12. Information and discussion.

13. Comments from the Council

An opportunity will be provided for Regional Council members to present a brief summary of current events. The Regional Council is not allowed to propose, discuss, deliberate or take action at the meeting on any matter in the summary, unless the specific matter is properly noticed for legal action.

13. Information.

14. Adjournment